Change and International Organisations: Overlapping Perspectives

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Joel E. Oestreich (ed.), International Organizations as Self-Directed Actors

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Richard Collins, Nigel D. White (eds), International Organizations and the Idea of Autonomy. Institutional Independence in the International Legal Order

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"There is nothing permanent, except change." Heraclitus

Change is a universal dynamic that affects all the aspects of our everyday lives. In the field of international relations (IR), this can refer to a wide range of situations. The end of the Cold War is perhaps one of the most obvious mutations of the past twenty-five years. However, less spectacular events should not be excluded from the definition of change. Phenomena such as the progressive transformation of modern warfare, the emergence of new norms of intervention or financial globalisation, even if more subtle and long-lasting, must also be taken into account.

In this context, the question arises as to how international organisations (IOs) react to such mutations? If we assume that such institutions do have an impact on the international scene, it must not be forgotten that one of their primary goals is to provide stability in an ever-changing environment[1]. Therefore, the way IOs actually cope with change is crucial for their survival. The famous motto 'adapt or perish'

1 Nay Olivier, Petiteville Franck, 'Eléments pour une sociologie du changement dans les organisations internationales', *Critique internationale*, n°53, 2011, p. 10.

is, in their case, particularly relevant. The aim of this paper is to investigate this question through the study of three distinct publications.

The first of these works is the 53rd issue of the French review *Critique Internationale*, published in April 2011. The lead article is 'Elements for a Sociology of Change in International Organisations' (reviewer's translation) by Olivier Nay and Franck Petiteville. This seeks to give a new framework of analysis. The second one is a collective work entitled *International Organizations as Self-Directed Actors*, edited by Joel E. Oestreich in 2012[2]. The book assumes that IOs actually matter in IR, and therefore it tries to explain how they behave as independent actors by confronting two major theoretical models: the principal-agent (PA) theory and the constructivist theory. The third publication, *International Organizations and the Idea of Autonomy*, also examines the question of IOs' autonomy[3]. Although the editors wished to follow an inter-disciplinary approach, most of the texts remain international law-centred. However, some of the concepts presented in this work are really worth quoting in an article aimed at understanding the dynamics of change in such organisations.

This critical reading is structured as follows. In the first section, we will come back to *Critique Internationale* which contains the only article directly tackling the issue of change in IOs. These assumptions will then be compared to the framework proposed by Oestreich in his analysis of IOs as self-directed actors. In the third part, the contributions of international law specialists will be examined, in order to see the extent to which they can be useful in the field of IR studies. To conclude, the strengths and weaknesses of each contribution will be analysed and the most relevant issues will be highlighted.

"Elements for a Sociology of Change in International Organizations": Theoretical Considerations

Because they are built to stabilise the behaviours of States, IOs tend to be resilient entities. Moreover, like any other social institution, they have their own customs, habits and the like, which can lead them to resist to change. Besides, these bureaucracies are not controlled by "a centralized political authority"[4], which makes them much more change-reluctant. Therefore, most of the so-called 'institutionalist' works are mainly focused on IOs' resilience.

Nevertheless, IOs change, and much more than expected. According to Nay and Petiteville, 'institutionalist' works totally omit a fundamental dimension of these institutions. They display an amazing ability to adapt and go through different dynamics that lead them to evolve. They distinguish three ideal-types of change[5]:

2 Oestreich Joel E. (ed.), *International Organizations as Self-Directed Actors*, *op. cit.*

3 Richard Collins, Nigel D. White, *International Organizations and the Idea of Autonomy. Institutional Independence in the International Legal Order*, *op. cit*.

4 Nay Olivier, Petiteville Franck, 'Eléments pour une sociologie du changement dans les organisations internationales', *Critique internationale*, n° 53, 2011, p. 10.

5 *Ibid.*, pp. 11–14.

(1) The change initiated by institutional reforms, either by "layering" or "displacement"[6], which implies an extension of the scope of competences. This form is not to be neglected even if institutional change cannot be reduced to its purely legal aspects.

(2) The change induced by power transformations. This can be due to the enlargement of an IO or to the changing nature of one (or more) of its major members' posture.

(3) Cognitive or normative change. This can sometimes go along with the first ideal-type or be totally independent from it. It leads an IO to "reinterpret its relationship to its environment"[7]. In some cases, the entire mandate of the IO can be revisited by the Member States.

Noting that the three main paradigms in IR (realism, liberalism and constructivism) just grasp a tiny part of the various changes affecting IOs – namely the causes –, the authors suggest a new way of apprehending these institutions. Instead of studying what IOs do, Nay and Petiteville wish to focus on what they are. This supposes getting rid of the legal vision, which reduces IOs to their sheer legal aspects and sees their agents as mere enforcers of the treaty that sets up the organisation. The realist point of view, which claims that IOs are just simple fora for inter-power bargaining, must also be put aside.

This leads the scholars to consider these organisations as "social units composed of individuals and chains of actors, regulated by norms, embodying values and principles, organized according to specific routines and practices, riddled with social dynamics that mix cooperation and competition, solidarity mechanisms and relationship powers."[8] To this extent, three complementary dimensions need to be taken into account:

(1) IOs are more or less autonomous complex bureaucratic entities that are distinct from the States that created them. They are not mere agents bound by the will of their principals. They are composed of a wide range of actors who have their own interests, their own habits and who sometimes compete with each other.

(2) IOs are not isolated structures; they are located in a specific context and in networks of actors with which they interact.

(3) IOs are the product of an historical heritage. This has produced normative and cognitive frameworks, routines, knowledge and so on. According to the authors, the purpose of the analysis of change in IOs is to show how such institutions consolidate while adapting themselves to a new environment.

To apprehend institutional change under its various forms, the authors focus on five dimensions: the evolution of formalised rules (regulative dimension), the transformation of norms (normative dimension), the change in cognitive frameworks, the variations of representations and beliefs (cultural dimension) and, finally, the evolution of the material aspects, which are often neglected[9]. Even though interesting,

6 These are the words used by Malhoney and Thelen, to whom Nay and Petiteville explicitly refer in their article.
7 Nay and Petiteville, *op. cit.*, p. 14.
8 *Ibid.*, p. 16 (translated by the authors).
9 *Ibid.*, p. 19.

this framework raises several practical issues that will be discussed in the following sections.

Oestreich and the Idea of IOs as Self-Directed Actors

Nay and Petiteville's framework takes a clearly constructivist stance and intends to go beyond the principal-agent (PA) theory[10]. This is clearly not the purpose of Oestreich, despite each author sharing the opinion that IOs matter and thereby discarding the realist assumption described earlier. In his book, Oestreich wishes to "explore the nature of international organizations, and in particular their ability to act on their own, in ways not dictated or perhaps even foreseen by the States that created them."[11] To do so, he presents the two main approaches about how IOs act as independent entities: the PA theory and the constructivist one.

To put it simply, "PA theory views IO actions as a result of delegation from principals (be they member States or other stakeholders) and addresses questions concerning the scope for independent IO action. [On the other hand], constructivism emphasizes the role of norms and institutional factors in accounting for specific IO actions."[12] This leads us to establish an interesting comparison between the two publications. While the authors of *Critique Internationale* clearly adopt (and develop) a constructivist point of view, Oestreich relocates the debate and shows both the strengths and weaknesses of each perspective. As far as methodology is concerned, the PA theory, due to its rationalist approach, "generates more testable hypotheses"[13], though its assumptions are sometimes too simple. On the other hand, constructivism allows a more accurate understanding of such institutions, in spite of a lack of scientificity, especially in the collection of data.

Far from being mutually exclusive, these approaches present some similarities and are, in practice, rather complementary, one focusing on one topic rather than on another[14]. For instance, in the fight against AIDS, the initial lack of reactivity of the World Health Organization (WHO) is explained by Christer Jönsson through a constructivist approach. However, the lack of autonomy of the Global Programme against AIDS (GPA), a branch of this same WHO, can better be understood thanks to the PA theory.

Another interesting dimension which distinguishes both publications is the role of individuals. In our view, this seems to be somewhat neglected by Nay and Petiteville in their theoretical framework. Therefore, we could suppose that in the notorious structure – agency debate, these scholars have adopted a more structure-centred stance notwithstanding that they put forward the role of cognitive and normative factors. In Oestreich's book, the approach is different. In his introduction, the editor indeed writes: "IOs are comprised of individuals, and both a PA approach and a constructivist one show us the importance of understanding the interests, beliefs, and

10 *Ibid.*, p. 16.
11 Oestreich, *op. cit.*, p. 2.
12 Jönsson Christer, 'The Global Fight Against AIDS' in Oestreich, *op. cit.*, p. 141.
13 Oestreich, *op. cit.*, p. 10.
14 *Ibid.*, p. 162.

roles of the individuals that make up IOs."[15] Far from rejecting the unpredictability inherent to human nature, Oestreich incorporates it in his framework. He states that "staff who see themselves as independent civil servants will on the whole seek more independence"[16] and he insists on the role of top managers.

This difference of perspective can be observed in the way the evolutions of the World Bank (WB) are analysed in both publications. The influence of some of the WB's former Presidents (such as McNamara or Wolfensohn for instance) is sometimes mentioned by Jean-Pierre Cling *et al*. in their article in *Critique Internationale*. Nevertheless, these allusions remain quite vague. The ultimate aim of this contribution is to show how change-reluctant the cognitive and normative framework of this institution can be in spite of an apparent self-criticism. Adopting a particular political bias, the scholars claim that the forces of resilience are powerful and occur at the expense of the weakest countries[17].

On the other hand, Susan Park and Catherine Weaver, referring to Oestreich's framework, intend to examine how the Bank implemented its anticorruption agenda under the Wolfensohn (Wolf I) and Wolfowitz (Wolf II) presidencies. What is emphasised in this contribution is the way individuals, and particularly chief executives, can "navigate" through both external (the relationship with the principal, i.e. Member States for instance) and internal constraints (the IO bureaucracy for example) to put a specific issue on the IO's agenda[18]. The same reasoning can be applied to the study of the United Nations Organization (UN). In Oestreich's book, a whole chapter is dedicated to the sole role of the Secretary-General in the development of the Democracy Agenda. In comparison, Devin and Placidi-Frot apply Nay and Petiteville's theoretical framework to the UN comprised as a whole, from 1945 to the beginning of the twenty-first century, without really stressing the importance of the individual factor[19].

To this extent, two comments should be made. Firstly, Charlotte Bué comes to the same conclusion in her contribution about EU Development Policy. In the final part of her article, she indeed states that "change is not disembodied but socially constructed", and then mentions the prominent role of Commissioners such as Poul Nielson or Louis Michel[20], which, according to our view, enriches the initial conceptual framework. Secondly, the scholars writing in *Critique Internationale* are much more focused on wider dynamics inscribed in the long-term, while Oestreich's considerations seem to be more adapted for specific topics. This difference can perhaps be due to the fact that change is understood by Nay and Petiteville as a long-term phenomenon that spreads over several years or decades. On the other hand, autonomy as defined by Oestreich can vary from one issue to another, from one period to another. The best example is the European Union (EU). On specific topics such as international commercial negotiations, the Commission acts quite freely, as a clear delegate on behalf of the Member States. On other issues, such as foreign

15 *Ibid.*, p. 12.
16 *Ibid*., p. 18.
17 Jean-Pierre Cling, Mireille Razafindrakoto, François Roubaud, 'La Banque mondiale, entre transformations et résilience', *Critique internationale*, n°53, 2011, p. 62.
18 Susan Park, Catherine Weaver, 'The Case of the World Bank' in Oestreich, *op. cit*., p. 93.
19 Guillaume Devin, Delphine Placidi-Frot, 'Les évolutions de l'ONU : concurrence et intégration', *Critique internationale*, n°53, 2011, p. 21–41.
20 Charlotte BUE, 'La politique de développement extérieur de l'Union européenne : réformes et européanisation', *Critique internationale*, n°53, 2011, p. 99.

policy, the EU remains largely dependent on the will of the 28 in spite of a few improvements introduced under the Lisbon Treaty.

Both frameworks are relevant but, in our view, in different ways. The concept of autonomy can better be used to describe how the EU made a particular decision, by referring both to the PA or to the constructivist theories. On the other hand, we would use Nay and Petiteville's definition of change to describe the erratic though progressive mutation of the Union towards a more autonomous polity, with increased competences in a wide range of domains, including those traditionally reserved to States (the most obvious example being the Euro).

A Complementary Point of View: *the Idea of Autonomy*

The third book allows us to look at the question of change in IOs in a more global way. Edited by Richard Collins and Nigel D. White, most of the chapters are essentially focused on the question of autonomy from the legal point of view. To this extent, it is regrettable that cross-disciplinary research has not been pushed a step further, the 'Legal community' remaining sometimes a kind of 'epistemic community' little enamoured by cross-fertilisation. For instance, in the section devoted to international agencies, Chiti and Wessel do not refer to the PA theory even if they use some of the same ideas. They indeed state that IOs are created when States "lack the necessary expertise", (expertise which is the main source of authority of an IO) and then stress the inherent risks of this delegation[21], two major points of the PA theory. Nevertheless, some contributions provide an interesting complement to the concepts previously analysed. These reflections essentially cover the question of the relationship between IOs and their Member States, a dimension that cannot be neglected when studying change in such institutions.

The first idea that can be useful to our understanding of the relationship between States and IOs has to do with the changing attitudes in international legal scholarship. Throughout the 19th century and up to the end of the Cold War, a wide variety of lawyers such as Westlake or Kelsen placed their hopes of peace in the development of "autonomous international institutions"[22]. In a typical neofunctionalist view, it was thought that depriving States of some of their attributes would consolidate international law, which would then help to create a safer world. Things changed with the anxieties due to political and economic globalisation. Some thinkers, including international law scholars, worried about the fact that several non-state actors with great influence were not sufficiently accountable for their acts. A greater autonomy for IOs was seen more as a threat for the rule of law and both States and non-state actors began to ask for more accountability[23]. Such a view could be an interesting hypothesis to test in further research about the recent changes in institutions such as the WB, the International Monetary Fund (IMF) or even the EU.

However, the idea that there would necessarily be a kind of 'zero-sum game' between autonomy and accountability is contestable and contested. In a more

21 Edoardo Chiti, Rames A.Wessel, 'International Agencies in the Global Administrative Space' in Collins, White, *op. cit.*, p. 150.
22 Collins, White., *op. cit*., p. 2.
23 *Ibid.*, pp. 2–3.

philosophical chapter, Garret W. Brown tries to conciliate this idea of "competence contest" between members and institutions (at the heart of the "neo-sovereigntist" approach) with a second position, called legal cosmopolitanism. The proponents of this second approach "argue for international institutions to acquire greater autonomy in pursuit of establishing a more robust form of international law."[24] Referring to the works of Kant about the notion of will, Brown suggests that States do not lose autonomy when losing independence. When they decide to cooperate with each other "under a system of interest trumping international norms or laws, … as long as those laws are understood by an entity as co-legislated 'laws unto oneself', then autonomy is not abdicated … but is actually facilitated as a self-determining choice of autonomous action."[25]Although theoretical and abstract, this article provides an interesting long-term enlightening about deep dynamics that could affect IOs in the next decades: should this change of mentality happen, the very nature of these institutions would be greatly upset.

Another dimension that could highlight the concept of change in IOs is the distinction proposed by Jean d'Aspremont around the concept of autonomy. Trying to explain why the idea of "institutional autonomy" has been so important in both academic and political debates, he disentangles this concept by proposing a distinction between "political independence" and "institutional independence". The former refers to the ability of an IO to act freely, without any interference from its member States, while the latter "relates to the extent to which IOs constitute a legal order distinct from the general international legal order." [26] This institutional independence allows the IO to act as a full member of the international community to defend its political project and, therefore, make the necessary changes to assure its long-term existence. This last dimension reminds IR scholars that, among the issues that need to be studied when talking about change in IOs, the purely legal aspects cannot be neglected. These aspects are not integrated as such in the frameworks previously analysed. Even the PA theory as presented by Oestreich, with its notion of delegation contract, tends to omit this dimension or, at least, to forget that legal personality also empowers the agent.

Conclusion: the Importance of Cross-Disciplinary Research

The three publications presented in this critical reading offer in their own way a relevant insight into the question of change in IOs. The framework proposed by Nay and Petiteville in *Critique Internationale* has some unquestionable qualities. By using elements of sociology, it allows us to study long-term change in IOs in an original way. However, it remains an introduction that needs to be studied much more deeply. Besides, its constructivist stance, coupled with a structure-centred bias that tends to omit the role of the individual, only offers us a partial view of this issue.

This basic framework is therefore well complemented by the works of Oestreich. Mainly focused on the question of autonomy, his book gives us a global theoretical

24 *Ibid*., p. 6.
25 Garrett Brown, 'The Idea of Autonomy' in Collins, White, *op. cit.*, p. 113.
26 d'Aspremont Jean, 'The Multifaceted Concept of Autonomy' in Collins, White, *op. cit.*, p. 71.

framework and shows, through various examples, how to articulate two theories sometimes seen as antagonistic. The issues analysed through the combined lenses of PA and constructivist theories prove that a synthesis is both possible and academically desirable. This book also stresses the individual factor, somewhat put aside by Nay and Petiteville in their introduction. However, Oestreich's approach of autonomy seems to be more relevant to study a particular issue. Nevertheless, some of the proposed tools – such as the reflections about the links between the autonomy of an IO and its organisation and the issues it tackles – could be useful in a long-term perspective to determine how an IO, through the action of its staff, has taken advantage of these features to change in a specific direction.

The Collins and White book gives us the opportunity to remind ourselves of a fundamental issue in academic research: the importance of interdisciplinarity. Ironically, this is the only point for which we have slightly criticised this publication. By addressing the question of autonomy from the legal point of view, it highlights a point that tends to be forgotten by IR scholars: the question of the legal personality and all its attributes. It is regrettable that these aspects are sometimes neglected because they remain the bedrock of any IO's action, including changes. More than ever, cross-disciplinary research is of crucial importance in the field of international relations.